

REMARKS

This Amendment, filed in reply to the Restriction Requirement dated March 24, 2009, is believed to be fully responsive. Accordingly, favorable reconsideration on the merits is respectfully requested.

Requirement for Restriction

In response to the Restriction Requirement set forth on page 3 of the Office Action mailed March 24, 2009, Applicants elect Group II, Claims 2-13, for examination on the merits. This election is made without traverse.

In response to the Examiner's further Restriction Requirement set forth on page 4 of the Office Action, contingent upon Applicants' election of Group I or II, Applicants elect a combination of SNPs comprising the following:

1105T>C polymorphism of the Myocilin gene (Phe369Leu);

412G>A polymorphism of the Optineurin gene; and

CGG to CAG substitution at codon 144 of the Noelin 2 gene (Arg144Gln).

Claims 2-10, 13 and 36-39 read on the election invention.

Applicants reserve the right to file one or more Divisional Applications directed to non-elected subject matter.

Claims 2 and 5 are amended herewith to delete non-elected subject matter, consonant with the foregoing elections. New Claims 36-39 are introduced. Support for Claims 36-39 can be found throughout the Application as originally filed, and in, for example, original Claims 1 and 5. Claims 7 and 9 are amended herewith to depend from Claim 38, rather than Claim 5.

Claim 13 is amended to correct a self-evident typographical error and to provide proper antecedent basis. Claims 25, 27 and 28 are amended herewith to incorporate specific sequence identifiers (SEQ ID NOs).

No new matter is added by way of this amendment. Entry and consideration of this amendment are respectfully requested.

Notice to Comply with Sequence Listing Requirements

On page 2 of the Office Action, the Examiner asserts that the instant Application does not comply with the requirements of 37 C.F.R. § 1.821-1.825 for Applications reciting nucleotide and amino acid sequences. The Examiner contends that both the claims and the description of the Application recite sequences that are not expressly identified by SEQ ID NO.

Applicants enclose herewith a substitute Sequence Listing, in paper and computer-readable form copies, that fully addresses the issues raised in the Notice to Comply.

Applicants assert that this Response to the Notice to Comply and the enclosures are being timely filed, and that the enclosures bring the present application in full compliance with the requirements of 37 C.F.R. §§1.821-1.825.

Applicants respectfully request that the Examiner acknowledge that the substitute Sequence Listing meets the requirements of 37 C.F.R. §§1.821-1.825 and that the Examiner enter the substitute Sequence Listing.

Conclusion

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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23373

CUSTOMER NUMBER

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